

REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 3-7 and 10 were pending in this application when last examined.

Claims 3-7 and 10 were examined on the merits and rejected.

Claim 3 is amended to recite “inhibition” instead of “prevention”. Support for this term can be found in Example 7 on page 20 of the specification as filed, which shows that brain injury was suppressed or inhibited. Support can also be found throughout the specification and claims as filed, since a skilled artisan would understand prevention of brain injury includes within its scope inhibition of such injury.

Thus, no new matter has been added.

II. ENABLEMENT REJECTIONS

In item 4 on pages 3-6 of the Office Action, claims 3-7 were rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method for treating brain injury using a prostaglandin D receptor antagonist, does not reasonably provide enablement for the prevention of brain injury. Applicants respectfully traverse this rejection, as applied to the amended claims.

Applicants note that claim 3, the only independent claim of this rejection, has been amended to recite “inhibition” instead of “prevention”. Applicants further note that Example 7 on page 20 of the application describes that pinagladin, which is a prostaglandin D receptor antagonist, was orally administered 1 hour before and one day after a brain injury. As a result, leakage amounts of Evans blue dye, an indicator of injury, were reduced. Thus, the specification

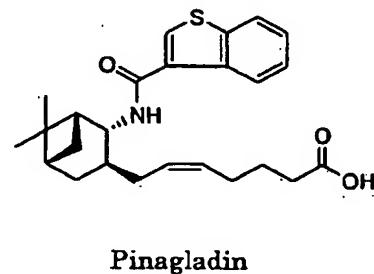
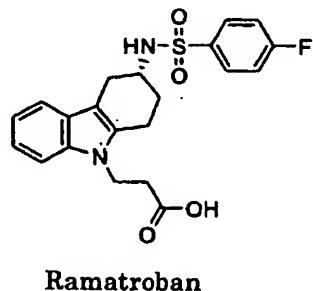
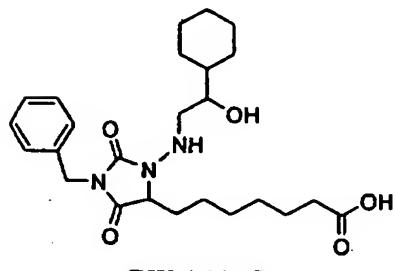
clearly demonstrates that DP receptor antagonist inhibits brain injury.

Thus, Applicants respectfully suggest that this rejection, as applied to the amended claims, is untenable and should be withdrawn.

Further, in item 5 on pages 6-12, claims 3-7 and 10 were rejected under 35 U.S.C. 112, first paragraph, because the specification, while being enabling for a method for treating brain injury by administering some species of prostaglandin D receptor antagonist, does not reasonably provide enablement for the entire genus of prostaglandin D receptor antagonist.

Applicants respectfully traverse this rejection.

Examples 6 and 7 of the present specification show three prostaglandin D receptor (DP receptor) antagonists, BW A868c, Ramatroban and Pinagladin, as useful for treatment and inhibition of brain injury. These three DP receptor antagonists have very different chemical structures. The structures are represented below:



Thus, Applicants submit that a person of skill in the art would understand that the entire genus of prostaglandin D receptor (DP receptor) antagonists are useful for the treatment and inhibition of brain injury without undue experimentation.

Applicants therefore suggest that this rejection is untenable and should be withdrawn.

III. OBVIOUSNESS REJECTIONS

In item 7 on pages 12-15 of the Office Action, claims 3-7 and 10 were rejected under 35 U.S.C. 103(a) as being obvious over Tsuri et al. (J. Med. Chem., Vol. 40, pp. 3504-3507 (1997), in view of Wong (Critical Care Nurse, Vol. 20, No. 5, pp. 18-27 (October 2000).

Applicants respectfully traverse this rejection, as applied to the amended claims.

Tsuri examines the specificity and the effect of dozens of prostaglandin D receptor antagonists. Tsuri experimentally demonstrates that such compounds are effective for allergic rhinitis, and hypothesize that they might also be effective for other allergic diseases. however, Tsuri does not teach or suggest the relationship between brain injury and prostaglandin D receptor (DP receptor).

Wong also does not discuss the relationship between brain injury and prostaglandin D receptor (DP receptor).

On the other hand, the present invention experimentally demonstrates that the interception of Prostaglandin D signals via prostaglandin D receptors (DP receptors) are effective for the treatment and prevention of brain injury.

Thus, Applicants submit that neither Tsuri nor Wong alone or in combination teacher or suggests the use of prostaglandin D receptor antagonists to treat or inhibit brain injury. Therefore, Applicants respectfully suggest that this rejection is untenable and should be withdrawn.

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CONCLUSION

In view of the foregoing amendments and remarks, the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

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